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6 IN THE UNITED STATES DISTRICT COURT
7
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 ELIZABETH FREI,

No. C-05-01191 EDL

10 Plaintiff,

**ORDER GRANTING DEFENDANT'S
MOTION TO STRIKE PLAINTIFF'S
CROSS-MOTION**

11 v.

12 HARTFORD LIFE INSURANCE COMPANY,

13 Defendant.
14 _____/

15 In her brief filed in opposition to Defendant's motion for summary judgment, Plaintiff cross-
16 moved for summary judgment. The next day, Defendant filed a motion to strike Plaintiff's cross-
17 motion as untimely and improperly noticed. Defendant is correct that Plaintiff's motion is untimely.
18 According to the Court's October 5, 2005 Case Management and Pretrial Order for Court Trial, the
19 last day to file dispositive motions was December 13, 2005. Plaintiff's cross-motion was not filed
20 until January 24, 2006, which was the deadline for filing her opposition to Defendant's motion
21 because the hearing on the motion had been continued from January 17, 2006 to February 14, 2006.
22 Plaintiff did not seek relief from the court-ordered deadline, nor did she provide any explanation for
23 her late-filed motion. Further, Plaintiff improperly noticed her cross-motion for February 14, 2006,
24 rather than thirty-five days after service of the motion, as required by Civil Local Rule 7-2(a).
25 Accordingly, Plaintiff's cross-motion for summary judgment is stricken as untimely and improperly

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1 noticed. The Court does not strike Plaintiff's January 24, 2006 brief filed in opposition to
2 Defendant's motion.

3 **IT IS SO ORDERED.**

4 Dated: February 3, 2006



ELIZABETH D. LAPORTE
United States Magistrate Judge